

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:09CR3091
)	
V.)	
)	
JAKTINE ALPHONSO MOORE,)	ORDER
)	
Defendant.)	
)	

Pursuant to 21 U.S.C. § 851(a)(1), the government has filed an information alleging two prior felony drug convictions. If I find that such an allegation is true, then it appears that the defendant must be sentenced to a mandatory term of life in prison. *See* 21 U.S.C. § 841(b)(1)(A)(ii) (“If any person commits a violation of this subparagraph . . . after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release”). The defendant was arraigned on the information prior to trial and neither admitted nor denied the allegations of the information. The jury has now convicted the defendant of the crimes charged in the indictment and the allegations of the information will become relevant at sentencing. As a result,

IT IS ORDERED that:

1. Notwithstanding section 21 U.S.C. § 851(b), the government shall be prepared to prove the alleged convictions and the finality of the alleged convictions at sentencing. A hearing will be held at sentencing to determine whether the alleged convictions in fact took place, whether

they are now final and other matters appropriate for consideration under 21 U.S.C. § 851.

2. At least 5 business days before sentencing, the defendant shall comply with the requirements of 21 U.S.C. § 851(b) and affirmatively state whether he affirms or denies the allegations of the information. Any challenge to a prior conviction alleged in the information which is not made before sentence is imposed may not thereafter be raised to attack the sentence.
3. Any written response of the defendant as permitted or required by 21 U.S.C. § 851(c) shall be filed at least 5 business days before sentencing.
4. The Clerk shall provide counsel of record *and the defendant* with a copy of this order.

DATED this 8th day of April, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge